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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 2936 OF 2018**

Sachin Vishnu Gaikwad

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Jaydeep D. Mane advocate for the applicant

Mr. A. A. Palkar APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : JANUARY 21, 2019.****P.C.**

Applicant is seeking regular bail in Crime No. 629/2018 registered with Hadapsar Police Station, Pune for offence punishable under sections 420 and 406 of the Indian Penal Code. Applicant was arrested on 27/05/2018 on an allegation that promising a foreign trip to the customers, he has accepted the amount and has not honoured the same.

2 A submission is made on instructions by the learned counsel

for the applicant that investigation in the matter is complete, applicant assures that either he shall honour the promise of outing/picnic in three months or else shall return the amount to the customers/complainant.

3 The learned APP opposed the application on the ground that there are criminal antecedents.

4 Considered rival submissions.

5 The transaction in question appears to be contractual in nature and as applicant has given an assurance in the form of undertaking that either the amount accepted from the customers which lead to registration of crime will be returned within three months or else the promise of outing/picnic will be honoured, in my opinion applicant deserves to be released on bail on following conditions:

(A) Applicant be released on bail in Crime No. 629/2018

registered with Hadapsar Police Station, Pune on furnishing P.R. bond in the sum of Rs. 50,000/- with one or more sureties in the like amount.

(B) Applicant shall not influence the witnesses or tamper with evidence.

(C) If applicant found involved in similar type of offence henceforth, Prosecution will be at liberty to move for cancellation of bail.

(D) If the undertaking as referred above as regards return of amount or honouring the promise is not complied within the time stipulated i.e. three months from today, the bail granted to the applicant shall stand cancelled automatically without further reference to the Court.

6 Application stands disposed of.

[NITIN W. SAMBRE, J.]